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Escalante Wilderness Project

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RECEIVED

SEP 10 2001

September 5, 2001

Mr. Spencer Abraham
Secretary of Energy
U.S. Department of Energy
1000 Independence Ave. SW
Washington, D.C. 20585

RE: DOE MUST SCHEDULE HEARINGS IN UTAH RE YUCCA MOUNTAIN

Dear Secretary Abraham:

The Escalante Wilderness Project objects to the lack of proper, reasonable notice and opportunity for hearing on the DOE's site recommendation of Yucca Mountain for a national high-level nuclear waste repository. Following are the reasons for our objection:

- 1) We just received a letter from Lake H. Barrett, Acting Director of the Office of Civilian Radioactive Waste Management, informing us that comments are due on the site recommendation and the Preliminary Site Suitability Evaluation (PSSE) by September 20. The letter is dated August 28, which gives us less than a month to provide comments on this momentous decision and on a technical document that is more than 370 pages long.
- 2) The letter from Lake Barrett does not provide an address to send comments. The letterhead merely says "Department of Energy, Washington DC 20585."
- 3) The Barrett letter mentions public hearings, but does not say where or when they will be held.
- 4) We have subsequently learned that DOE has only scheduled hearings in Nevada.

If the Yucca Mountain Repository is approved, nuclear waste will be transported through many communities in Utah. Therefore, DOE should schedule hearings in several of the affected communities throughout the state. The public must be given sufficient notice in advance about the hearings to be able to obtain and read the PSSE, consult with experts if necessary, and prepare comments.

We offer the following reasons that Utahns must be given the opportunity to comment in hearings that are held in our own state:

- 1) Hearings on Yucca Mountain have been held in Salt Lake City in the past.
- 2) Utah is located right next to Nevada.

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- 3) Utahns would be impacted by transportation of radioactive materials to Yucca Mountain from the east.
- 4) Utahns have demonstrated significant interest in nuclear waste disposal, not only at Yucca Mountain, but also at Envirocare's low level radioactive waste dump near Tooele, Utah; at IUC's White Mesa Mill near Blanding, Utah; and at PFS's proposed Monitored Retrievable Storage facility for high level waste on the Goshute Indian Reservation in Utah.

In addition, hearings should be scheduled in every other state and community that will be affected by transportation of high level nuclear waste to Yucca Mountain.


The notices that your agency published in the Federal Register on August 21, 27 and 31, did not clearly place the public on notice that these are public hearings on your agency's decision to recommend Yucca Mountain as the site for a national high-level nuclear waste repository. The notice gives the impression that these are merely hearings on the PSSE. Even then, your provision of less than thirty days notice from the availability of the 370-page evaluation and the few hearings in Nevada make it impossible for ordinary citizens to have any meaningful participation in such meetings.

There is no doubt that, no matter what provisions may be in the Nuclear Waste Policy Act, the United States Constitution's Fifth Amendment protections require that persons such as ourselves--and affected Nevadans--must have at least reasonable notice and an opportunity to be heard on a decision such as this one, a decision with vast repercussions and grave potential dangers. Your agency's actions in this regard have not come even close to meeting the most minimal constitutional protection of citizens' rights to due process in this instance.

We are certain you have violated our rights and those of the citizens of Nevada.

We call on you to reschedule these hearings with adequate notice, add hearings in many states other than Nevada, and provide a meaningful opportunity for all persons who will be affected by your agency's recommendation of Yucca Mountain as the national high-level waste repository to be heard.

Sincerely,



Victoria Woodard
Escalante Wilderness Project

cc: Lake Barrett, Acting Director
Office of Civilian Radioactive Waste Management

Carol Hanlon
U.S. Department of Energy